

Remarks

Claims 31-38 are pending. Claims 31-38 are rejected. Claims 31, 32, 37 and 38 are currently amended. Support for the amended claims can be found at, for example, paragraphs [0021] and [0077] of the originally filed specification.

Objections were made to Claims 37 and 38. Claims 37 and 38 have been amended. Amended Claim 37 is now dependent on Claim 31. Amended Claim 38 is now dependent on Claim 32. The Applicant respectfully requests withdrawal of the objections to Claims 37 and 38.

Claims 31-38 are rejected as indefinite under 35 USC §112, second paragraph. The rejection states that independent Claim 31 is indefinite for reciting “a fragment thereof that is at least 50% identical to the amino acid sequence of SEQ ID NO: 1[.]” Claims 33, 35 and 37 are dependent on Claim 31 and have also been rejected as indefinite. Claim 32 is rejected as indefinite for reciting “a fragment thereof that is at least 50% identical to the amino acid sequence of SEQ ID NO: 2[.]” Claims 34, 36 and 38 are dependent on independent Claim 32 and have also been rejected. The rejection states that the recitations described above are indefinite because they are susceptible to either of two different interpretations. The rejection states the first interpretation is that the claimed fragment is at least 50% of the length of SEQ ID NO: 1 or 2. The rejection states the second interpretation is that the claimed polypeptide shares at least 50% identity with a fragment of SEQ ID NO: 1 or 2. The rejection then concludes that Claims 31-38 are indefinite under 35 USC §112, second paragraph.

Claims 31-38 are definite under 35 USC §112, second paragraph. Independent Claim 31 has been amended to recite “a peptide that shares at least 50% identity with a fragment of the amino acid and sequence of SEQ ID NO: 1[.]” Claims 33, 35 and 37 are dependent on independent Claim 31 and include all of its recitations. Independent Claim 32 has been amended to recite “a peptide that shares at least 50% identity with a fragment of the amino acid sequence of SEQ ID NO: 2[.]” Claims 34, 36 and 38 are dependent on independent Claim 32 and include all of its recitations. The amendments to independent Claims 31 and 32 make it clear that the claimed polypeptide comprises a peptide that shares at least 50% identity with a fragment of SEQ ID NO: 1 or 2, respectively. The Applicant notes this is consistent with the Examiner’s helpful guidance concerning the possible interpretations of the claims and in particular makes the claims conform with the second possible interpretation identified by the Examiner. Stated differently, these amendments should make it clear that the claimed polypeptide is not 50% of

the length of SEQ ID NO: 1 or 2, but is instead a peptide having a specific sequence identity relative to SEQ ID NOs: 1 and 2, respectively. The Applicant respectfully requests withdrawal of the rejections of Claims 31-38 under 35 USC §112, second paragraph.

In light of the foregoing, the Applicant respectfully submits that all claims are now in condition for allowance which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'TDC', is positioned above the printed name of the attorney.

T. Daniel Christenbury
Registration No. 31,750
Attorney for the Applicant

TDC/vbm
(215) 656-3381